

REMARKS

Applicant's invention, as defined by independent claim 12, concerns an improved vehicle air conditioning device wherein at least one control element supplies a prescribed value to an air conditioning control unit and wherein a state of air flow is determined by air speed and location of air movement based on the output of a fan. This air flow is further influenced by the distribution of air to outlet nozzles along with the direction of the nozzles. Furthermore a thermal state of the vehicle is provided by the distribution of temperature and radiation effect in the interior part of the vehicle. In other words, the thermal state is provided by the temperature and the effective radiation from the sun. Claim 1 also specifies that the control element prescribes a predetermined state of flow and a determined thermal state for an occupy of the vehicle.

The Amendment of October 15, 2003 contained arguments with respect to defining over the previously cited and applied references including the primary reference to Heinle et al. The main argument was that the present invention prescribed not only a thermal state but also a determined state of flow while the reference to Heinle et al. did not disclose a determined state of flow.

The present Office Action contains an indication that this argument was acceptable and that "the claim overcomes the Heinle et al. reference".

The claims are now however rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement because of the "adhering to this strict reading of the claims". More particularly, it is indicated by the

Examiner that it is "unclear from Applicants disclosure how a radiation effect is or can be prescribed".

Applicants respectfully traverse this rejection on the grounds that there is no inconsistency between the claimed invention and the disclosure and further that there is no inconsistency with the arguments presented in the October 15, 2003 Response and the claims. As indicated in claim 12 and the specification a thermal state of a vehicle is provided by the distribution of temperature and radiation effect in the interior of the vehicle. This is accomplished by thermal sensor or by thermal sensors and sun sensors as indicated at page 8 of the specification. Claim 12 requires that the control elements prescribe a determined state of flow and a determined thermal state. Even if it is accepted that a thermal state requires both radiation and temperature, it is also true that a prescribed thermal state can be accomplished by controlling the temperature. In other words, a prescribed thermal state may require one temperature of air at a particular location when the sun is not shining on that location whereas it may require another temperature of air at a location were the sun is shining. Thus, the same thermal state will have been achieved and/or "prescribed" without "prescribing" the radiation effect. That is, the radiation effect is measured and the thermal state is prescribed based on the result of the sun sensor and the temperature sensor. The present invention is addressed to the thermal state of an occupant of the vehicle and therefore, when the sun is shining on the occupant, the temperature may be lowered in order to achieve the "prescribed

thermal state". This explanation is consistent with the specification, the claims and the arguments in the October 15, 2003 Response.

The claimed invention provides for prescribing a determined state of flow and a determined thermal state which is discussed and exemplified in the originally filed specification so that one of ordinary skill in the art can make and use the claimed invention.

Thus, it can be seen that a thermal state can be prescribed without having to "prescribe a radiation effect". The radiation effect may be an uncontrollable but measurable variable whereas the thermal state can be controlled by the temperature to take into account the radiation effect measured by, for example, a sun sensor.

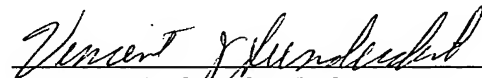
Therefore, Applicants respectfully submit that claims 12-22 set forth an the invention which meets the requirements of 35 U.S.C. 112, first paragraph and accordingly request that this application be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.51026US).

Respectfully submitted,

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